

REMARKS

This application has been reviewed in light of the Office Action dated June 9, 2003. Claims 1, 4-6, 10-12, 15, 16, 22-30, 39, 40, 44 and 46-70 are presented for examination. No amendments have been made.

Applicants note with appreciation the allowance of Claims 1, 4-6, 10-12, 15, 16, 22-30, 39, 40, 44 and 46-67. Only Claims 68-70 remain under rejection, of which only Claim 68 is independent.

Claim 68 was rejected solely under 35 U.S.C. § 102(b) as being anticipated by published PCT Application WO 99/31874 (Fossum), and Claims 68 and 69, solely under 35 U.S.C. § 103(a) as being obvious from *Fossum* in view of U.S. Patent 5,912,942 (Schick).

Independent Claim 68 is directed to an image sensing apparatus which, among other features, comprises a plurality of image pickup elements each of which includes a two-dimensional array of a plurality of pixels and a scan circuit for the pixels, and that the scan circuit comprises a shift register of a static type. By virtue of this feature of Claim 68, erroneous functioning of the shift register can be avoided even in a case where radiation reaches the shift register.

Fossum relates to a three-sided buttable CMOS image sensor that includes a plurality of sensor chips (Fig. 1). However, while Claim 68 clearly recites that the scan circuit includes a shift register, and that the shift register is of a static type, nothing has been found in *Fossum*, or even alleged by the Examiner, that would teach or suggest this feature. Accordingly, Claim 68 clearly is not anticipated by *Fossum*, and what is more, the Office Action has not made out even a *prima facie* case of obviousness against that claim.

Still less would anything that has been found in *Fossum* provide one of ordinary skill with any guidance in solving the specific problem the solution to which is provided by Applicants in the structure of Claim 68, i.e., avoiding erroneous operation of a shift register due to X-ray radiation.

For all these reasons, Applicants submit that Claim 68 is plainly allowable over *Fossum*.

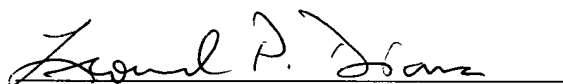
A review of the other art of record, including *Schick*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against independent Claim 68, and that claim is therefore believed patentable over the art of record.

The other claims not yet allowed in this application are each dependent from independent Claim 68, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", is written over a horizontal line.

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